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C O N F I D E N T I A L QUITO 000307

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E.O. 12958: DECL: 04/01/2018  
TAGS: [PGOV](#) [ELAB](#) [PTER](#) [ECON](#) [EC](#) [CO](#)  
SUBJECT: CONSTITUENT ASSEMBLY'S BUSY, SEMI-PRODUCTIVE 4TH  
MONTH

REF: A. QUITO 223  
[1](#)B. QUITO 221  
[1](#)C. 07 QUITO 2622  
[1](#)D. QUITO 90  
[1](#)E. QUITO 75

Classified By: Acting DCM Douglas Griffiths for reason 1.4 (D)

[1](#)1. (C) Summary: During its fourth month of work, the Constituent Assembly actively engaged in drafting constitutional articles on the judiciary, the electoral function, and fundamental rights, among other topics, but failed to approve a single article. Assembly members spent much of their time dealing with other business, including granting political pardons to former officials, delaying the appointment of judges, condemning Colombia's bombing of the FARC camp on Ecuadorian soil, supporting government efforts to aid flooding victims, and sorting out a major corruption case. Disputes over reference to God in the constitution, abortion and gay marriage are threatening to split the government bloc. (End Summary)

SOME PROGRESS ON CONSTITUTION, BUT THE GOING IS SLOW

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[1](#)2. (C) Six committees have now approved some draft text for the constitution, but no committee has completed all of the articles for which it is responsible. The deadline to submit constitutional articles to the plenary is approaching fast, April 30. Haste could lead to speedy, sloppy drafting, which already caused difficulties with the Assembly's tax law.

[1](#)3. (SBU) The most progress was made on five articles submitted by the committee on sovereignty, which will be debated by the plenary for a second and final time on April 1 (Ref A). The sovereignty committee texts deal with topics such as natural resources and state property in strategic sectors, which are also being debated in the biodiversity and development committees. Assembly member Lucio Paredes (Futuro Ya party) is among those who have publicly criticized the lack of coordination between committees with overlapping jurisdiction.

[1](#)4. (SBU) Other constitutional articles under discussion include:

-- Electoral: Separate bodies to organize and regulate elections, with their members selected on the basis of merit rather than chosen by the top parties in Congress.

-- Fundamental Rights: Principles of equality and non-discrimination; fundamental rights are inalienable. Notably, the state accepts responsibility for paying compensation when government officials violate citizens' rights.

-- Labor and production: Elimination of third party contracts except for functions not integral to a company's product or mission. Elimination of pregnancy test for hiring, and elimination of the HIV test requirement in most cases.

-- Regime of development: State to lead and plan development with the participation of the society.

-- Judiciary: Penalizing acts of corruption, guaranteeing the economic and political independence of the judicial branch, and alternative conflict resolution.

¶5. (SBU) Some members are taking advantage of the complicated, multi-step process to delay final action on constitutional texts. The steps are committee approval, a first plenary debate, committee discussion of the plenary's observations, a second and final plenary debate followed by voting, and last but not least, a special commission's review of the text for clarity.

¶6. (SBU) While the Constituent Assembly's governing board increased the workload of Assembly members to try to meet the Proud and Sovereign Fatherland (PAIS) majority's original May 24 completion goal, a one or more likely two month extension (allowed under the Assembly statute) seems inevitable. Assembly Vice President Fernando Cordero stated that if the constitution making process continued throughout June, the terms of local officials would have to be extended beyond October to allow time for the referendum on the new constitution before other elections.

#### JACKS OF ALL TRADES

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¶7. (C) The Constituent Assembly has been distracted from its primary task of constitution drafting by several ancillary activities, including passing legislation, issuing pardons and making political statements.

¶8. (SBU) The Constituent Assembly passed its fifth constituent mandate on March 10, which allowed the Customs Office to distribute seized foodstuffs, clothing, and other relevant goods to the victims of severe flooding. The GOE had declared a national emergency on February 20 in response to flooding.

¶9. (SBU) Colombia's March 1 cross-border action generated a prompt reaction from Assembly members, who on March 4 approved a statement supporting the GOE's position on the issue and condemning the incursion (Ref B). After Colombian intelligence provided evidence of links between the GOE and the FARC, the opposition requested that the Assembly carry out an investigation, but President Correa's PAIS majority voted the motion down. In mid-March, the press released pictures of PAIS Assembly member Maria Augusta Calle, chair of the sovereignty committee, with FARC leaders and members. Calle told the press that linking her with the FARC was part of a U.S. campaign to discredit the GOE. The Patriotic Society Party (PSP) requested that the Assembly investigate Calle, but the request will certainly be denied. The PAIS majority accepted Calle's explanation that her former job as an international journalist exposed her to such meetings.

¶10. (SBU) At President Correa's request, the Constituent Assembly granted a pardon on March 10 to former Bank Deposits Guarantee Agency Manager Alexandra Cantos. Four days later, the Assembly granted amnesty to over 400 people: postal workers, individuals involved in the Dayuma incident (Ref C), and some of those involved in conflicts with mining and petroleum companies.

¶11. (SBU) Assembly members also devoted their efforts to impeding the appointment of judges, citing alleged irregularities in the selection process. Supreme Court President Roberto Gomez argued before two Assembly committees on March 27 that the information available was insufficient to annul the process. However, Assembly members were not

persuaded and are likely to move forward with cancellation of the inauguration of new judges.

¶12. (SBU) Concluding action in response to a scandal that emerged two months ago (Ref D), a majority of Assembly members voted on March 26 to suspend PSP member Luis Logrono for 60 days for alleged vote-buying, effectively leaving him out of the rest of the Assembly process. An ad-hoc multiparty commission had recommended a 20-day suspension, but PAIS pushed for a heavier punishment.

#### SOCIAL ISSUES TAKE CENTER STAGE

¶13. (SBU) The differing views on abortion, sexual minorities, and whether God should be mentioned in the constitution have created much controversy and generated huge demonstrations in Quito and Guayaquil. These issues produced the first serious fissure within the PAIS bloc, with one member suggesting that two others resign because they joined a pro-life march with opposition members. The PAIS solution, as advocated by President Correa and Assembly president Alberto Acosta, is to avoid mention of such topics based on the belief that those themes are not material for a constitution. In his March 29 radio address, President Correa stated that the will of the majority of Ecuadorians would prevail and expressed his personal preference for a pro-life approach.

#### AND YOU CALL YOURSELF A 21ST CENTURY SOCIALIST

¶14. (SBU) Professor Heinz Dieterich, the intellectual godfather of Twenty-First Century Socialism (which President Correa espouses ) see Ref E), was one of the Assembly's more notable visitors. He expressed his frustration with Ecuadorian political realities publicly after meetings with Assembly members. Dietrich said, "Stating that there is Twenty-First Century Socialism in Ecuador or that the President pretends to impose it is really a lie, because there is no empirical reality that supports such a claim." In his view, Bolivia, Venezuela and Cuba had developmentalist economies, while Ecuador had a social market type of economy.

#### COMMENT

¶15. (C) We expect that the Constituent Assembly will continue to combine activities related to constitutional drafting with

those that respond to what they see as urgent political needs. A sixth mandate preventing the subcontracting of workers is in the making, in addition to four laws that the legislative committee is currently analyzing. The tight schedule, continued diversions, lack of clarity regarding each committee's area of work, and the lack of coordination among them make it unlikely that a constitution could be ready by July 29 ) unless the text is imposed by the executive, as PSP leader Gilmar Gutierrez and many other critics of President Correa have told us they feared. The Assembly's ability to approve draft articles for the constitution over the next month will indeed prove very telling.

Jewell